

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

MDL NO. 2492

Master Docket No. 13-cv-09116

Judge John Z. Lee

**MOTION FOR LEAVE TO PAY
SETTLEMENT EXPENSES FROM THE SETTLEMENT FUND**

Settlement Class Counsel respectfully requests that the Court grant leave to the Program Administrator to pay Notice-related expenses from the Settlement Fund. In support thereof, Settlement Class Counsel states as follows:

On July 21, 2016, Gilardi & Co., LLC, the Notice Administrator, submitted an invoice to Settlement Class Counsel for \$309,218.00 in connection with implementation of Phase I of the Media Plan approved by the Court, including but not limited to, for the costs of print and internet publication. Settlement Class Counsel approved the payment for submission to Garretson Resolution Group (“GRG”), the Program Administrator, and GRG respectfully requests Court approval for payment from the Fund. *See* Declaration of Matthew L. Garretson of Garretson Resolution Group, attached as Exhibit A. The NCAA does not oppose this motion.

WHEREFORE, Settlement Class Counsel respectfully requests approval for GRG to pay Gilardi’s July 21, 2016 invoice from the Fund.

Date: November 28, 2016

Respectfully submitted,

By: /s/ Steve W. Berman

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Settlement Class Counsel

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on November 28, 2016, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman
Steve W. Berman

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: NATIONAL COLLEGIATE
ATHLETIC ASSOCIATION STUDENT-
ATHLETE CONCUSSION LITIGATION**

MDL No. 2492

Master Docket No. 1:13-cv-09116

Judge John Z. Lee

Magistrate Judge M. David Weisman

**DECLARATION OF MATTHEW L. GARRETSON OF
GARRESTON RESOLUTION GROUP**

I, Matthew L. Garretson, declare as follows:

1. I am the Founder and Chief Executive Officer of Garretson Resolution Group (“GRG”). I make this declaration based upon my personal knowledge, and I am competent to testify as to its contents.

2. On July 15, 2016, in its Preliminary Approval Order, the Court appointed GRG as the Program Administrator to “administer the Second Amended Settlement in accordance with the terms and conditions of this Order and the Second Amended Settlement Agreement.”¹ (Doc. No. 278, ¶ 13.)

3. The Second Amended Settlement Agreement and the Court’s Preliminary Approval Order called for the establishment of a Medical Monitoring Fund (the “Fund”) for the purpose of paying all costs of the Medical Monitoring Program in accordance with the Second Amended Settlement Agreement. (Doc. No. 266-1, § IV.A; Doc. No. 278, ¶ 35.) Settlement Class Counsel and the NCAA selected Huntington National Bank to house the Fund, and the

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Court’s Preliminary Approval Order and the Second Amended Class Action Settlement Agreement and Release for the above-captioned litigation.

NCAA deposited \$5,000,000 into the Fund on or before July 28, 2016. Settlement Class Counsel, the NCAA, and GRG entered into a Qualified Settlement Fund Agreement dated September 9, 2016, to set forth the terms and conditions for the operation and administration of the Fund, in accordance with the terms outlined in the Second Amended Settlement Agreement.

4. The Second Amended Settlement Agreement requires GRG as the Program Administrator to administer the Fund and to make payments from the Fund, subject to certain authorizations, including “[a]ll payments for the costs of Notice and Reminder Notice, in amounts to be approved by the Court.” (Doc. No. 266-1, § IV.A.2.d.)

5. On July 15, 2016, in its Preliminary Approval Order, the Court appointed Gilardi & Co., LLC (“Gilardi”) as “the Notice Administrator, in accordance with the provisions of Section VII of the Second Amended Settlement Agreement.” (Doc. No. 278, ¶ 14.) The Second Amended Settlement Agreement sets forth Gilardi’s duties with respect to notice, including disseminating information to Settlement Class Members, assisting the Court with processing and tabulating opt-out requests, and arranging for Court-ordered dissemination of required notice. (Doc. No. 266-1, § VII.)

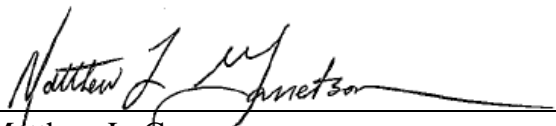
6. On July 21, 2016, Gilardi submitted an invoice to Settlement Class Counsel for \$309,218.00 in connection with implementation of Phase I of the Media Plan approved by the Court, including but not limited to, for the costs of print and internet publication. Settlement Class Counsel approved the payment for submission to GRG, and GRG respectfully requests Court approval for payment from the Fund.²

7. GRG is prepared to pay this invoice from the Fund after receipt of Court approval.

² Gilardi’s original invoice is available in camera for the Court’s review upon request.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on this 2nd day of November, 2016, at Cincinnati, Ohio.



Matthew L. Garreston
Founder & Chief Executive Officer
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Suite 300
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Telephone: 513-794-0400

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on November 28, 2016, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman